

Message Text

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ACTION DLOS-06

INFO OCT-01 EA-09 NEA-10 ISO-00 ACDA-10 AGR-10 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-02 COME-00 DODE-00

DOT-00 EB-07 EPA-04 ERDA-07 FEAE-00 FMC-02 TRSE-00

H-02 INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05

NSF-02 OES-06 OMB-01 PA-02 PM-04 PRS-01 SP-02 SS-15

USIA-15 SAL-01 AF-08 ARA-10 EUR-12 /189 W

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TO SECSTATE WASHDC 7649

INFO AMEMBASSY WELLINGTON

USUN NEW YORK 2040

UNCLAS NEW DELHI 11755

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS: INDIAN UPPER HOUSE PASSES MARITIME BOUNDARIES
LEGISLATION

1. RAJYA SABHA AUG 10 DEBATED AND PASSED THE TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES BILL (1976). THE TEXT OF THIS LEGISLATION HAS PREVIOUSLY BEEN POUCHED DEPT AND GIVEN TO US LOS DELEGATION.

2. IN RESPONDING TO THE ONLY THREE STATEMENTS FROM MPS ON THE LEGISLATION, MINLAW GOKHALE EMPHASIZED THAT WHILE LEGISLATION PROVIDES FOR "CONSENT" APPROACH TO "INNOCENT PASSAGE" THROUGH TERRITORIAL WATERS BY FOREIGN WARSHIPS, IT ALSO HAS AN OVERRIDING PROVISION ENABLING THE GOVT TO PREVENT SUCH PASSAGE IN THE INTERESTS OF NATIONAL SECURITY. RESPONDING TO A QUESTION AS TO WHETHER FOREIGN SHIPS CARRYING ARMS FOR USE IN ANOTHER STATE COULD TAKE ADVANTAGE OF "INNOCENT PASSAGE",
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GOKHALE SAID: "IT MAY BE THAT A DANGER ARISING IN A

NEIGHBORING FRIENDLY COUNTRY--CAN BE A DANGER TO US. IT IS NOT ALWAYS NECESSARY TO SAY THAT THERE IS DANGER TO US ONLY IF THERE IS AN ATTACK ON US. AN ATTACK ON A NEIGHBORING FRIENDLY COUNTRY CAN POSSIBLY BE A DANGER TO OUR SAFETY AND SECURITY ALSO. THEREFORE, WHILE WE CANNOT ANTICIPATE HYPOTHETICALLY ALL THE CIRCUMSTANCES IN WHICH THE GOVT WILL UTILIZE THIS POWER TO STOP PASSAGE OF WARSHIPS THROUGH TERRITORIAL WATERS, I BELIEVE THE ACT GIVES SUFFICIENT POWER TO THE CENTRAL GOVT TO ACT APPROPRIATELY IN A GIVEN SITUATION."

3. ON LEGISLATIVE PROVISIONS RELATING TO THE ECONOMIC AND CONTIGUOUS ZONES, GOKHALE SAID, "....IN ORDER NOT TO CREATE A WRONG IMPRESSION THAT WE ARE TAKING UNILATERAL ACTION EVEN BEFORE THE (LOS) CONFERENCE HAS CONCLUDED, WE HAVE PROCEEDED TO LAY DOWN THE DEFINITIONS OF THESE TWO EXPRESSIONS ON THE BROAD CONSENSUS WHICH HAS EVOLVED AND AT THE SAME TIME RESERVED THE POWER IN THE CENTRAL GOVT TO BRING THESE RELEVANT SECTIONS INTO FORCE WHEN IT IS APPROPRIATE TO DO SO."

4. ON ARCHIPELAGOS, GOKHALE OBSERVED THAT THE ANDAMAN AND NICOBAR ISLANDS ARE "BY ALL STANDARDS AN ARCHIPELAGO AND OUGHT TO BE GIVEN THE STATUS OF AN ARCHIPELAGO. NOW MANY COUNTRIES, INCLUDING THE SOVIET UNION AND THE USA, HAVE TAKEN A POSITION WHICH IS NOT COMPARABLE WITH WHAT OUR POSITION IS AND WE ARE GOING TO STRESS IT FURTHER. WE WILL...GO ON INSISTING THAT THIS POSITION SHOULD BE ACCEPTED...I DO NOT WANT TO SAY THAT THESE ARE THE ONLY TWO COUNTRIES WHICH HAVE BEEN TAKING THIS POSITION. THESE TWO ARE THE MAJOR POWERS WHICH HAVE BEEN OPPOSING US. THEIR DELEGATIONS HAD COME RECENTLY AND WE HAVE HAD LONG DISCUSSIONS WITH THEM ON THIS MATTER, ALONG WITH OTHER MATTERS. OF COURSE EVERYONE TAKES A POSITION WHICH HE REGARDS IS IN CONFORMITY WITH HIS NATIONAL INTEREST AND WE CANNOT FOR THAT REASON SAY THAT SOME DELIBERATE ATTITUDE HAS BEEN TAKEN TOWARDS INDIA AS SUCH..."SAXBE

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